

December 29, 2014

The December 29th meeting of Denver Borough Council was called to order at 7:00 p.m. with the following Councilmembers present: Cohick, Gensemer, Flory, South, Stover, Daub, and Mayor Redcay. The invocation was given by Mayor Redcay, which was followed by the Pledge of Allegiance to the Flag.

Citizen's Concerns

There were no citizen's concerns.

Borough Council Comments

Councilman South reported that he attended the December Planning Commission meeting and it was brought to his attention that the Borough does not have an ordinance in place for the Downtown District requiring an existing commercial property owner who is selling his or her property to maintain the first floor of the building as a business. Councilman South asked whether this is something Borough Council would want to discuss in order to keep the Downtown Business District in place. Discussion followed regarding the Borough's unsuccessful attempt in 2008 to require the first floor of any existing commercial properties in the Business District to remain commercial when the Borough was reviewing the Zoning Ordinance. At that time the property/business owners felt that the ordinance would be too restrictive concerning the future use of their properties. Discussion followed.

Emergency Management Coordinator Report

Emergency Management Coordinator Andy Boyer reported that there are no regulations forbidding the railroad company from storing railroad tankers or cars on their lines in the Borough. Mr. Boyer reported that it is recommended that East Penn Railroad develop an emergency plan that addresses the safety concerns of the Borough concerning this storage. Discussion followed concerning the storage of materials in the Borough, the location, the types of materials, and the possible impact to the Borough. Borough Manager Michael Hession reported that he will try to schedule a meeting in January with the representatives from the East Penn Railroad, Randy Gockley, Mr. Boyer, Chief Beever, Chief Hilton, and representatives from the Borough to discuss the Borough's concerns and the development of an emergency plan for the railroad storage.

Police Department Report

Chief George Beever reported on various incidents that happened in the Borough over the past month including a disturbance at the middle school where a 13 year old juvenile was cited for disorderly conduct on December 17th; charges filed against an individual who had deposited a fraudulent payroll check at Ephrata National Bank and had withdrawn an amount against it on December 19th; and, a burglary reported on December 24th at an apartment at 99 Monroe Street where there was no indication of forcible entry. Chief Beever also reported this past month the Department has created a Facebook page which will be updated on a regular basis putting out information and also pictures of stray dogs that were picked up in hopes of reuniting them with their owners before the SPCA is contacted.

Chief Beever reported that he will not be able to have the data requested by the Borough concerning crash statistics at the intersection of Denver Road, Snyder Street, and Monroe Street,

and, for incidents at 240 Main Street until the first couple of weeks in January, 2015. Discussion followed.

Denver Fire Company Report

Chief Shannon Hilton reported that from January 1, 2014 until today, the total calls for service for the Fire Company are 214. Sixteen (16) of these calls were for extrications and 26 were working fires. The service included 2,399.3 man hour, 154.8 hours for in service, and 2,423 men responding with an average of 11.3 men per call. The average response time is 3.4 minutes. Discussion followed. Councilman Cohick reported that he had already spoke to John Weaver from the Fire Company about the Borough's request to place a Ronald McDonald House Magazine Dumpster at the fire hall and Mr. Weaver will be bringing it up at a Fire Company meeting. Councilman Cohick reported that the Borough does not have the space for the dumpster, but would get credit for the recycling and the cash goes to the Ronald McDonald House.

Police Advisory Board Update

Councilman Mike Gensemer reported that the Police Advisory Board meeting was on December 23rd. The Time-line Committee that was formed at a prior meeting and John Weaver is a part of came up with a draft time-line to have everything up and running by January 1, 2016. The main point of developing the time-line is to keep the Police Advisory Board on track. Councilman Gensemer reported that the other item that was discussed was the Actuarial Study on Retirement Healthcare Benefits which Denver Borough had already voted to support. There was a change regarding this, East Cocalico Township wanted to take the lead on this because they have all the retirement statistics, but there was concern the report would go to East Cocalico Township and everyone would be sitting waiting for them to share it. A change was made in the wording and the same organization will conduct the study, however, copies of the report will be sent directly to East Cocalico Township and the other three (3) municipalities.

Councilman Gensemer reported that the Police Advisory Board also completed reviewing the comments submitted from West Cocalico Township. One item that they got hung up on is the unfunded pension liability which will be an agenda item for the Regional Leaders meeting in January 27th at 7:00 p.m. at West Cocalico Township. Discussion followed regarding the unfunded pension liability issue.

Director of Public Work's Report

George Whetsel, Director of Public Works, reported that the Department collected a total of 151 tons of leaves so far this year and most of them were spread out on the Weaver farm. The Department also hung all the Christmas lights with the help of East Cocalico Township's lift truck, updated the Emergency Response Plan for the Borough, and met with representatives from the Department of Environmental Protection (DEP) on December 3rd concerning the Borough's public water system.

Mr. Whetsel reported that the Department went to get the 4310 John Deer Tractor ready for snow removal and found the roof must have struck a tree or something in its use. They had to cut part of the roof and re-weld it to get the doors on it. The Department has been working on getting some costs to repair the Filter Plant roof which has been leaking; completed the end of the month reports; and, repaired the stop sign at Jefferson and South 4th Street which was hit again. Mr. Whetsel mailed a Zoning Violation Notice to a property owner in the Borough who

he has been trying to get cooperation with for the past three (3) months concerning the placement of a storage shed. If the property owner does not comply, then the Borough will file the Zoning Enforcement Notice with District Justice Nancy Hamill.

Mr. Whetsel also reported that the Department worked on stone alley repairs and pothole repairs; made repairs to the dump truck body; serviced the trucks; installed a new light and light switch closer to the doorway at the lower reservoir building; installed additional pipe hangers in the lower reservoir for the well line where it enters the tank; repaired the street sign at North 6th Street and Maple Street which was struck by a tractor trailer; serviced the leaf vacuum and replaced the main bearing; replaced the yield sign at South 4th Street and Lancaster Avenue that was knocked over; reviewed the Boy Scout Cabin Plans for water and sewer; relocated the drain pipe hanging come out over the middle back door of the Municipal Building; and sealed the skate rink to get it ready to add water once it gets cold enough. Mr. Whetsel stated that he and Rob Rissler attended a seminar, and that there was a diesel fuel spill on Washington Street that the fire company responded to and the Borough had to get a street sweeper in to clean some of it up. Discussion followed.

Discussion Items

Borough Council discussed the request from Fred Wagaman, 109 Main Street, for Borough Council to appeal the decision of the Zoning Hearing Board concerning the Joseph R. Valent and Mary Ellen Valent Application for variances and a special exception for the property located at 119 North 3rd Street. Mr. Hession reported that the Finding of Fact and Conclusions of Law that was drafted by the Zoning Hearing Board Attorney was distributed to Borough Council, the applicant, the Planning Commission, and the Zoning Hearing members. Borough Council reviewed some additional materials including an email from Fred Wagaman concerning a use variance; an article about a long time vacant Excelsior Hall on East King Street in Lancaster that will become event space; and, a copy of the Commonwealth Court case in Philadelphia which is cited in the Findings of Fact and Conclusions of Law. Mr. Hession reported that the Use Variance was permitted for the 19 apartments and the additional office space area cannot be converted into residential without getting additional approval from the Zoning Hearing Board. Discussion followed regarding the condition of 119 North 3rd Street, the Finding of Fact and Conclusions of Law from the Zoning Hearing Board meeting and the date of the document, the Use Variance granted, the regulations in the Borough's Zoning Ordinance and the changes made to those regulations for this district, and Borough Council's right to appeal the decision of the Zoning Hearing Board. Borough Council decided to wait until the next Borough Council meeting on January 12, 2015 to make a decision on how to proceed with this issue. In the interim, Borough Council asked to see if they can tour the building before the next Borough Council meeting.

Borough Council discussed the request from the Denver Post Office for a study to consider the installation of a three-way stop sign at the intersection of Snyder Street/Monroe Street/Denver Road. Chief Beever reported earlier in the meeting that the Police Department is working on gathering crash data statistics for this intersection and should have the information to Borough Council in the first couple of weeks in January. Discussion followed regarding the intersection and what is the best solution. Councilman Flory made a motion, seconded by Councilman Gensemer, to table the request from the Denver Post Office for a study to consider the installation of a three-way stop sign at the intersection of Snyder Street/Monroe

Street/Denver Road until the next meeting when the Council has the data from the Police Department to review. Motion carried unanimously 6 to 0.

Borough Council discussed the letter from James Cowhey, Executive Director of the Lancaster County Planning Commission (LCPC), stating that the Lancaster County Board of Commissioners currently is seeking nominations for a candidate to be appointed to the Lancaster County Planning Commission for Region 5. Councilman Cohick made a motion, seconded by Councilman South, to nominate Mayor Redcay to be considered as a candidate to be appointed to the Lancaster County Planning Commission for Region 5. Motion carried unanimously 6 to 0.

Action Items

Councilman Gensemer made a motion, seconded by Councilman Flory, to approve the December, 2014 monthly invoices and bills report. Motion carried unanimously 6 to 0.

Councilman Gensemer made a motion, seconded by Councilman South, to appoint Michael Hession to serve as the municipal representative and Mark Hiester to serve as the alternate municipal representative for the municipalities in the Cocalico School District on the Lancaster County Tax Collection Bureau (LCTCB) for 2015. Motion carried unanimously 6 to 0.

Councilman South made a motion, seconded by Councilman Gensemer, to approve the recommendation of the Denver Planning Commission to approve a waiver from the requirements of Section 170-8 of the Borough's Subdivision and Land Development Ordinance for the Cocalico School District's Parking, Roads, and Fields Project, Phase 2, Land Development Plan Application. Motion carried unanimously 6 to 0.

Unfinished Business

Councilman Gensemer reported that he had spoken to Councilman Walt Fink's wife Barbara and Walt is currently at The Life Care Hospital at 400 East Marshall Street in West Chester. Borough Council discussed setting a date to get together to visit him in the hospital if Councilman Fink is willing to receive visitors.

Councilman Daub thanked Mr. Hession for the Borough's Christmas Social Event and stated it was very well done.

Adjournment

Councilman Stover made a motion, seconded by Councilman Flory, to adjourn the meeting at 8:29 p.m. Motion carried unanimously

Michael Hession
Borough Manager/Secretary

Action Items:

- Motion to table the request from the Denver Post Office for a study to consider the installation of a three-way stop sign at the intersection of Snyder Street/Monroe Street/Denver Road until the next meeting when the Council has the data from the Police Department to review. Motion carried unanimously 6 to 0.
- Motion to nominate Mayor Redcay to be considered as a candidate to be appointed to the Lancaster County Planning Commission for Region 5. Motion carried unanimously 6 to 0.

- Motion to approve the December, 2014 monthly invoices and bills report. Motion carried unanimously 6 to 0.
- Motion to appoint Michael Hession to serve as the municipal representative and Mark Hiester to serve as the alternate municipal representative for the municipalities in the Cocalico School District on the Lancaster County Tax Collection Bureau (LCTCB) for 2015. Motion carried unanimously 6 to 0.
- Motion to approve the recommendation of the Denver Planning Commission to approve a waiver from the requirements of Section 170-8 of the Borough's Subdivision and Land Development Ordinance for the Cocalico School District's Parking, Roads, and Fields Project, Phase 2, Land Development Plan Application. Motion carried unanimously 6 to 0.
- Motion to adjourn the meeting at 8:29 p.m. Motion carried unanimously Motion carried unanimously 6 to 0.